(1) C.
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Revenue Department

Minutes of Consultations

30th June 1857

Book Numbers 5-6

Order no 638 dated 24th June 1857

பாதுகாப்பு பிரிவு - 1

செப்பனிடுபவர் பெயர்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள்

செப்பனிட்டு முடித்த நாள் 7/11/07

சரிபார்க்கும் முதல் மு. தி. பா. எ. ஐயொப்பம்

சரிபார்க்கும் மு. தி. பா. எ. ஐயொப்பம்.

தலைமை உத்தியோகர் ஐயொப்பம்

No. 5. Read the following letter from CLEMENT DALE, Esq., Government Pleader; to HENRY FORBES, Esq., Acting Secretary to Government; dated Madras 13th June 1857, No. 55.

SIR,

Min. Cons. 16*th May* 1857, *No.* 461, *Rev. Depart.*
" 2*d June* 1857, *No.* 536, *Rev. Depart.*

Para. 1. I have the honor to acknowledge receipt of the Extracts from Minutes of Consultation noted in the margin, and to state that a difficulty in finding, amongst the papers handed to me by Mr. Norton, the former correspondence, &c., relating to the suit mentioned in those Minutes, prevented me from replying to those Minutes on their receipt.

2. There is considerable difficulty attending the case, but so far as the correspondence enables me to judge, I am of opinion, that the best course to be now pursued will be to apply to the Civil Court for a review of its judgment, on the grounds pointed out in the Proceedings of the Board of Revenue of the 4th May 1857, No. 1406, paras. 6 and 7. I am not aware as at present advised, that I could suggest any additional reasons; and I entertain no doubt, that with those Proceedings before him, Mr. Knox will experience no difficulty in instructing the Government Vakeel at Masulipatam, and making him understand the points which are very clearly raised by the Board.

3. The Court of Sudr Udalut is now closed; it will re-open on the 1st Proximo. The Defendant cannot appeal until the opening of the Masulipatam Court, so that if, on the opening of the Masulipatam Court, the petition for review which I have suggested is put in, the difficulty suggested by Mr. Knox, cannot arise. If the Civil Judge should refuse to entertain the petition, or on consideration refuse the review, I would advise that an appeal to the Sudr be made; for that purpose the Acting Collector should present an appeal Petition to the Civil Court, forwarding to me full copies or rather translations of the pleadings, evidence, and Decree in the Court below. Together with any statement of the case, in chronological order, and referring to any points he may consider of importance, should the Acting Collector deem such a course desirable.

4. I have the honor to return the papers transmitted to me with the Extract Minutes of Consultation, No. 461.

Should the Acting Collector deem it advisable to apply for time to appeal it will be best that he do so through the Masulipatam Court.

C. D.,
Govt. Pleader.

No. 6. ORDER THEREON, No. 638; dated 24th June 1857.

Ordered to be communicated to the Board of Revenue, with reference to their Proceedings dated 4th Ultimo, No. 1406. They will instruct the Acting Collector of Masulipatam to apply to the Civil Court of that District immediately, or, if adjourned on the day it opens, for a review of its judgment passed in O. S. No. 103 of 1855, as suggested by the Board in para. 8 of their Proceedings above alluded to, and concurred in by the Government Pleader in his communication above recorded. The grounds for the review have been clearly pointed out by the Board and need not be here repeated.

2. In the event of the Civil Judge refusing to grant the review, Mr. Knox will, without any delay whatever, adopt measures for instituting an appeal before the Sudr Court.

(Signed) H. FORBES,
Acting Secretary to Government.

No. 55

From Clement Dale Esquire Government Pleader
To Henry Forbes Esquire Acting Secretary to Government

Madras 13th June 1857

Sir,

Para 1. I have the honor to acknowledge the receipt of the Extracts from Minutes of Consultation noted in the Margin and to state that a difficulty in finding, amongst the papers handed to me by Mr. Norton, the former Correspondence relating to the Suit mentioned in those Minutes, prevented me from replying to those Minutes on their receipt.

16/5/ 16th May 1857 No. 461 Revenue Dept.
" 2nd June 1857 No. 536 Revenue Dept.

2. There is considerable difficulty attending the Case, but so far as the Correspondence enables me to judge, I am of opinion, that the best course to be now pursued will be to apply to the Civil Court for a review of its Judgment on the grounds pointed out in the proceedings of the Board of Revenue of the 4th May 1857 No. 406 Paras 6 and 7. I am not aware as at present advised, that I could suggest any additional Reasons; and I entertain no doubt, that with those proceedings before him, Mr. Knox will experience no difficulty in instructing the Government Vakeel at Masulipatam, and making him understand the points which are very clearly raised by the Board.

I.

3. The Court of Sudr Adalut is now closed; it will reopen on the 1st proximo. The Defendant cannot appeal until the opening of the Masulipatam Court, so that if, on the opening of the Masulipatam Court, the petition for Review which I have suggested is put in, the difficulty suggested by Mr. Knox cannot arise. If the Civil Judge should refuse to entertain the petition, or on consideration the Review, I would advise that an Appeal to the Sudr be made; for that purpose the Acting Collector should present an Appeal petition to the Civil Court, ~~and~~ ~~give the Appeal Security~~, forwarding to me full Copies or rather Translations of the pleadings, Evidence, and Decree, in the Court below. Together with any Statement of the Case, in Chronological Order, and referring to any points he may consider of importance. Should the Acting Collector deem such a Course desirable.

4. I have the honor to return the papers transmitted to me with the Extract Minute of Consultation No. 461.

I have the honor to be

Sir,

Your most Obedient Servant

Govt. Pleader

Should the Acting Collector deem it advisable to apply for time to appeal it will be best that he do so through the Masulipatam Court

Govt. P.

No 638 5c

Read from the Minutes of Consultation
Under date the 2th June 1857

Read the following
Letter from the Government
Member of the Board detached
No 55
Hermosillo 13th June 1857

Ordered to be recorded
communicated to the Board of
Revenue with reference to their
Proceedings dated 4th ultimo
No 1166. They will instruct
the acting Collector of Customs
at Guaymas to apply to the Civil
Judge to apply to the Civil
Court of the District immediately
on the day of
expiration for a renewal of the guard
granted for a period of six months
from the 1st October 1855 as suggested by the
Board in para 3 of their Proceedings
above alluded to and

Government Pleader in his
communication above referred to.
The grounds for the review
have been clearly pointed out
by the Board and need not
be here repeated.

2 In the event of
the Civil Judge refusing to
grant the review, Mr Knox
will without any delay whatever
adopt measures for instituting
an appeal before the Sudr
Court.

R. F.

Copies to the Bd of Rev
with 5 Encls
Dispt 24

Govt Pleader